

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

PORTEX FAMILY LIMITED	)	
PARTNERSHIP,	)	
	)	
Plaintiff,	)	No. 3:21-cv-00871
	)	
v.	)	Judge Eli J. Richardson
	)	Magistrate Barbara D. Holmes
ST BRANDS, INC., CROPSHARE	)	
AMERICA, INC., JASON FRANKOVICH,	)	
DAVID CONKLING,	)	
	)	
Defendants.	)	

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**ENTRY OF DEFAULT**

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Plaintiff filed two renewed Motions for Entry of Default pursuant to Federal Rule of Civil Procedure 55(a). The first motion seeks entry of default against defendant ST Brands, Inc. (“ST Brands”). (Doc. No. 29). The second motion seeks entry of default against CropShare America, Inc. (“CropShare”). (Doc. No. 30). For the following reasons both Motions for Entry of Default are **GRANTED**.

Plaintiff filed its Complaint on November 18, 2021. (Doc. No. 1). Summons were issued on November 22, 2021. (Doc. No. 6). On January 26, 2022, Plaintiffs filed Motions for Entry of Default as to ST Brands and CropShare. (Doc. Nos. 13 and 14). On March 15, 2022, the Clerk denied the Motions for failure to establish service of process as required by Local Rule 55.01. (Doc. No. 20). Alias Summons were issued on March 22, 2022. (Doc. No. 24). Both Summons were issued to ST Brands and CropShare in care of their registered agent for service of process, Cloud Peak Law Group, P.C., 1095 Sugar View Dr. Ste 100, Sheridan, Wy 82801. *Id.* On April 12, 2022, Plaintiff filed Proof of Service declarations signed by Chukwudi Echetebu. (Doc. Nos.

25 and 26). Attached to the Proof of Service declarations are signed Certified Mail return receipts, properly addressed to the registered agent, dated March 28, 2022. (Doc. Nos. 25-1 and 26-1).

Pursuant to Local Rule 55.01, motions for entry of default against legal entities under Fed. R. Civ. P. 55(a) must be accompanied by an unsworn declaration under penalty of perjury under 28 U.S.C. § 1746 verifying: (i) proof of service; and (ii) the opposing party's failure to plead or otherwise defend. L.R. 55.01. In support of its Motions, Plaintiff submits the Declarations of Isaac Conner. (Doc. No. 29-1 and 30-1).

Upon review of the record as a whole and the Declarations of Mr. Conner, the Clerk finds that Plaintiff have satisfied its obligations under Local Rule 55.01 and that the Defendants ST Brands and CropShare have failed to enter an appearance or otherwise defend this action. "When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." Fed. R. Civ. P. 55(a). For the reasons stated herein, Plaintiff's Second Motions for Entry of Default against ST Brands, Inc. and CropShare America, Inc. (Doc. Nos. 29 and 30) are **GRANTED**.

s/ Lynda M. Hill  
Lynda M. Hill  
Clerk of Court